

IN THE UNITED STATES DISTRICT  
COURT FOR THE WESTERN DISTRICT OF  
PENNSYLVANIA

JAMES THOMPSON

CIVIL ACTION NO:

09-1416

V.

OFFICER NORMAN HOWARD et al

SUED IN THEIR OFFICIAL AND INDIVIDUAL CAPACITY

AMENDED CIVIL ACTION 1983

And Now, comes your plaintiff, James Thompson,  
with his amended complaint and avers to the following:

On or about March of 2005 your plaintiff became  
a victim of excessive force, false arrest, malicious  
prosecution, and fabrication of false evidence  
and conspiracy; and cruel punishment.

The men or Officers responsible for these  
Malicious conducts are as follows below:

1. Officer Norman Howard.
2. Officer Roy Mehalik.
3. Trooper Broadwater.

## Officer Howard

That Officer Howard stopped the car that ~~myself~~ and Rae Lynn Sigwalt was in. He asked Ms. Sigwalt for her I.D. He took it back to the police car and did a check on it for warrants. The check showed that she had a warrant. Howard came back to the driver's side of the car and placed Ms. Sigwalt in custody. As he was placing her in the police car he made a racist remark by saying: "What's a pretty white woman like you doing with a Nigger."

Next, Officer Howard came to the passenger side of the car and told me

to step out. I got out and he body checked me for contraband and/or firearms. He found ~~nothing on me. He then~~ asked if I ~~had~~ warrants. I replied no. He then said that he was going to do a check on me for warrants. He then said if I have no warrants that I would be free to go. He did the check and turned out to be no warrants. On his way back to where I was standing he got a radio call from Officer Roy Mehalik who told him that he knew me and that I was dangerous so be careful. Once Howard returned to the car where I was standing he told me that he was placing handcuffs on me.

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I asked him for what and he replied because I want to. He also said if I didn't go into cuffs that he would

Taser me. I told him that he had no right to place handcuffs on me. What I told Howard about him having no right to handcuff me a court ruling by Fayette County Common Pleas Judge

Leskinen said that his attempt to handcuff me was not a lawful arrest<sup>1</sup>✓  
(See enclosed court ruling as exhibit B.)

Exhibit B states in part the following:

Nevertheless, at that point,  
the officer asked Thompson to

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<sup>1</sup>The remaining charges were not dismissed. A jury trial found me guilty of them. However, an ongoing appeal is being under taken. There is nothing final yet.

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turn around to be handcuffed.  
Unfortunately, that was not  
a lawful arrest."

That action resulted in false arrest. A  
fourth Amendment violation.

Officer Howard finally got angered and frustrated and said I was going into cuffs or he will taser me. I then told him that to use a taser on me he will probably kill me because I have Heart and Lung disease. He then took out his taser and began to Taser me. Howard tried to taser me but was unable to after two tries. Officer Howard got very angry - He pulled out his baton and began yelling racial slurs at me. He stated: "Get the fuck down you fuckin nigger. Get the fuck down or I'll fuckin kill you you fuckin nigger. Get the fuck down you

fuckin nigger. You fuckin black bastard." Officer Howard was beating me with his ~~baton~~ as he yelled out the barrage of racial slurs. He had me in fear of my life. The racial slurs and his death threats against me led me to believe that I had to get away from him before my childhood menace appeared: "Roy Mehalik." I quake in my body just from the mention of his name let-alone his soon to be arriving presence.

### Officer Mehalik

I fear officer Mehalik. I have an agonizing morbid fear of Officer Mehalik stemming from childhood torment and terror.

Officer Mehalik tormented and terrorized

me as a child. We both grew-up together in a small town called Tower Hill #2

Officer Mehalik and his oldest brother use to make all the younger kids, like myself, play "Russian Roulette." They forced us to play this deadly game until one day Roy's Oldest Brother shot himself and was killed after playing this deadly game.

Roy Mehalik twice tried to drown me in a small pond called the Greeny Pond. He pushed me into the pond while we were on a wraft in the middle of the pond. Another boy pulled me back onto the wraft. Roy even attempted to drown me again by pushing me in the water at the shore line. Another boy jumped in the pond to save my life. Roy stood by and did nothing to help save me from drowning. Roy always terrorized me with his riffle when he would shoot

near my running feet to see how close he could come without striking me with a bullet.

~~These things~~ terrorized ~~me so much~~ that I have nightmares. Roy also would pick on me and push me around. He used a daily dose of Racial Slurs to refer to me. I suffer from Posttraumatic Stress Disorder from how Roy tormented me as a very young boy. From all of this I will always fear Roy. He came close to killing me as a young innocent child. I fear this man. Just the mention of his name makes me Quake inside of my body.

I felt I had to flee in order to save my life from two racist Policemen with a reputation for having racist attitudes and conduct for brutality



I jumped in the car to flee. I used only the necessary amount of force to flee without ~~harming~~ anyone. ~~When I jumped~~ in the car officer Howard came up to the driver's side door and smashed out the driver's side window. The glass hit me in my face and blinded me momentarily as I ducked towards the passenger side to avoid being hit in my face by the police baton. I started the car while still ducked down toward the passenger seat. I put the car in drive while still ducked down towards the passenger seat and put my foot on the gas pedal and took off. I did not see any car in front of me. As I drove I still could not see what was in front because I was in too much fear to set up-right where he could get a good shot off at me sitting upright. As I was driving I heard something hit the drivers side of the car. I never saw what hit me.

As I drove to flee with my life all of a sudden a barrage of gunfire hit the car that I was fleeing in.

Roy Mehalik and Norman Howard both shot at the car. The neighborhood where they shot is a densely populated area. They shot at me to try and kill an unarmed man. They placed my life in jeopardy as well as an innocent woman whose house they hit with one of the police rounds fired at me. This bullet nearly shot her in the head.

This conduct was reckless to say the least. It was reckless conduct against me and also the innocent woman who nearly lost her life while in the privacy of her own home.

This behavior was an act of cruelty. As such they violated the Eight Amendment for me and for this innocent woman. This conduct also violated the Fourth; Fifth and Fourteenth Amendment to the United States Constitution.

Trooper Broadwater/Officer Howard

It is my theory that Trooper Broadwater and Officer Howard acted together in concert to create inflammatory news releases that had the possibility to incite uncontrolled rage in other police and so-called vigilantes desiring to help police capture or kill a wanna-be cop killer. In short, they conspired together between each other.

Together at the very beginning of this matter after consulting with each other they both released false or fabricated news releases. The news releases were completely false. (See enclosed exhibits C and D) At no time did I ever shoot at Howard or any Police Officer. He knew that then and knows that now. I did not shoot at no one. I never had a gun to do anything except to flee in self defense to save my life. And I never had a previous homicide conviction as Trooper Broadwater Wrote in his very public news release.

By their false news releases they created an hysteria that generated overwhelming fear in your plaintiff. The fear that these false news releases generated was like someone holding a loaded gun to the head of another person. It serves to terrorize the victim with cruel and unusual punishment. The cruel conduct served to violate the Eight Amendment as well as the Fifth and Fourteenth Amendment to the United States Constitution.

That this is nothing less than a fabrication of false evidence due to their conspiracy to create wide spread hysteria among other police; news media and the surrounding public with their official but false news releases together as partners in association with the clear creation of false and fabricated evidence. Both officers' Howard and Broadwater knew from the very beginning of the investigation that your plaintiff never shot at Howard or any police. And Broadwater also knew from your plaintiff's rap sheet that your plaintiff never had a previous homicide conviction.

At the hands of corrupt police your plaintiff quickly became a wanna be cop killer and former killer. All of this without a speck of truth from either officer.

No person should have to be placed in this type of terror by so-called law abiding policemen. The average person would have believed their life was in grave danger from the unwarranted hysteria and fear created by their false news releases from Officer Howard and Trooper Broadwater.

Lastly, your plaintiff was nothing less than a victim of Malicious Prosecution with a hoped outcome of grave injury or hopeful Death. With wide spread belief your plaintiff quickly became an intended cop killer with a Previous Homicide Conviction. This was nothing less than a prescription for Death for all whom may have come across your plaintiff to shoot and kill him out of the hyped up fear that your plaintiff was armed and dangerous. Both news releases said this.

The news releases came out within one day of each other. One was released on 3-09-08 the other on 3-10-08. Clearly this was in concert with each other.

Respectfully Submitted,

Mr. James Thompson

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RELIEF SOUGHT

1. Declare that the defendants violated the civil and constitutional rights of your Plaintiff
2. Award money for to compensate for the violations and pain and suffering of \$100,000.00
3. Award monetary damages for Punitive Damages of \$200,000.00.

Trial by Jury

Respectfully submitted,

Mr. James Thompson